

**REMARKS**

Claims 1 and 4-80 are pending in this application. Claims 4-10, 14-16, 29, 33-40, 42 and 43 are withdrawn from consideration by the Examiner. By this Amendment, claims 1, 17, 21, 27 and 32 are amended, and claims 2-3 are canceled. Support for the amendment can be found, for example, in the original claims. No new matter is added. Reconsideration of the application based upon the above amendments and the following remarks are respectfully requested.

**I. Rejection Under 35 U.S.C. §102(b)**

The Office Action rejects claims 1, 2, 11-13, 27, 28, 30, 32, 41 and 44 under 35 U.S.C. §102(b) over Applied Physics Letters, Vol. 77, No. 18, pages 2891-2893 (2000) to Haruyama et al. ("Haruyama"). By this Amendment, claim 2 is canceled, rendering the rejection moot as to claim 2. As to the remaining claims, Applicants respectfully traverse the rejection.

By this Amendment, claims 1 and 32 are amended to incorporate the subject matter of canceled claim 3, which is not rejected under 35 U.S.C. §102(b) over Haruyama. Thus, Haruyama does not anticipate amended claims 1 and 32 and their dependent claims. Reconsideration and withdrawal of the rejection are respectfully requested.

**II. Rejection Under 35 U.S.C. §103(a)**

The Office Action rejects claims 3, 17-26, 31 and 45-80 under 35 U.S.C. §103(a) over Haruyama in view of U.S. Patent Application Publication No. 2007/0297216 to Tour et al. ("Tour"). By this Amendment, claim 3 is canceled, rendering their rejection moot as to claim 3. However, because the subject matter of canceled claim 3 is incorporated into claims 1 and 32, the rejection is addressed below.

Applicants respectfully submit that Tour does not qualify as prior art for the following reasons.

First, the PCT filing date of this application is May 20, 2004, and Tour was published on December 27, 2007. Thus, Tour does not qualify as §102(a) or §102(b) prior art.

Second, Tour is a continuation-in-part (CIP) application of Application No. 10/090,211, which was published as U.S. Patent Application Publication No. 2002/0190759 (published on December 19, 2002). Application No. 10/090,211 also claims priority from a provisional application (filed on March 2, 2001). However, U.S. Patent Application Publication No. 2002/0190759 does not contain Figs. 21 and 22, that are relied upon by the Office Action (see Office Action, pages 5-6) with respect to Tour. U.S. Patent Application Publication No. 2002/0190759 is completely silent as to crosslinking of the nanotubes. Thus, Tour does not qualify as §102(e) prior art as to the present claims because the disclosure of Tour relied upon by the Office Action has an effective prior art date of only April 25, 2007, which is after the filing date of the present application.

Further, U.S. Patent Application Publication No. 2002/0190759 itself does not provide any reason or rationale to provide the feature of crosslinking of the nanotubes. Thus, amended claims 1 and 32 would not have been rendered obvious over Haruyama even combined with the teachings of U.S. Patent Application Publication No. 2002/0190759.

Thus, claims 1 and 32 and their dependent claims would not have been rendered obvious by the applied references. Reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Rejoinder**

Rejoinder of withdrawn claims 4-10, 14-16, 29, 33-40, 42 and 43 is respectfully requested. Claims 4-10, 14-16, 29 require all the features of claim 1 and, thus, should be rejoined upon allowance of claim 1. Claims 33-40, 42 and 43 require all the features of claim 32 and, thus, should be rejoined upon allowance of claim 32. Because claims 1 and 32 are believed to be allowable for at least the reasons discussed above, withdrawal of the restriction

requirement and rejoinder, examination, and allowance of claims 4-10, 14-16, 29, 33-40, 42 and 43 are respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Aya Suzuki  
Registration No. 64,621

JAO:AQS

Date: September 28, 2010

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**

Please grant any extension  
necessary for entry of this filing;

Charge any fee due to our  
Deposit Account No. 15-0461